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Concl.

cyclic radicals of 5 to 10 carbon atoms, and phenyl or lower alkylphenyl radicals, or B is CH₂OH or an [ether or] ester derivative[,] thereof derived from a saturated aliphatic acid of ten or fewer carbon atoms, or from a cyclic or saturated aliphatic cyclic acid of 5 to 10 carbon atoms, or from benzoic acid, or an ether derivative thereof derived from a saturated aliphatic radical of ten or fewer carbon atoms, or from a cyclic or saturated aliphatic cyclic radical of 5 to 10 carbon atoms, or from phenyl or lower alkylphenyl radical, or B is -CHO or [an] a lower alkyl acetal derivative[,] thereof, or an acetal derivative thereof formed with a lower alkyl diol, or B is -COR₁ or a lower alkyl ketal derivative thereof, or a ketal derivative thereof formed with a lower alkyl diol, where R₁ is -(CH₂)_mCH₃ where m is 0-4, or a pharmaceutically acceptable salt [thereof] of the compound defined in said formula.

REMARKS

1. Amendment of Claims in Light of the Requirement for Restriction

On February 2, 1990, the applicant responded to a requirement for restriction by electing, with traverse, the compounds of Group 1 (as set forth in the Requirement dated January 12, 1990). In other words, compounds were elected where, with reference to Claim 1, X is sulphur or oxygen and the A group represents a pyridine ring.

In the present amendment applicant, acting through the undersigned attorney, cancelled (without prejudice) all claims which were not directed to the elected compounds, and amended all outstanding claims so as to avoid reading on the non-elected compounds.

2. Amendment of the Claims which were "Objected to".

Claims 4 - 6 12 - 14, 21 - 24 were indicated to be allowable if rewritten in an independent form, incorporating all limitations of the base claim and any intervening claims.

In compliance with this requirement, applicant made the following amendments:

Claims 4, 5 were amended, for each to become an independent claim and to set forth only a single chemical compound - and in case of claim 5 - pharmaceutically acceptable salts of the claimed compound.

Claim 6 was rewritten to become an independent claim, incorporating the limitations of base claim 1 and of intervening claim 2.

Claim 12 was rewritten to become an independent claim, incorporating all limitations of its base claim (claim 1). All deficiencies of the terminology of former claim 1 pursuant to 35 U. S. C. Section 112 (which were noted in the Office Action in connection with claim 1) were cured in the claim language that was incorporated in amended claim 12.

Claim 13 depends on amended claim 12.

Claim 14 was amended in a manner similar to claim 12.

Claims 20 -24 (actually 21 through 25 because of an inadvertent numbering error) were cancelled as not reading on the elected species.

2. Amendment of the claims which had been rejected pursuant to 35 U. S. C. Section 112.

Claims 1 - 3, 7 - 11, 15 - 20 and 25 - 28 were rejected pursuant to 35 U. S. C. Section 112, because certain terminology of the claims was considered indefinite. The present amendment fully cured these deficiencies. Support can be found in the specification (for example on pages 3 - 5) for the definitions which were incorporated in these claims to replace the formerly "indefinite" claim language.

Claims 1, 26 and 28 were slightly broadened in the present amendment, in that the substituents in the 2-position of the thiochroman or chroman nucleus were changed from the previous depiction in the formula as "methyl" to the definition " R_2 = lower alkyl". The applicant believes that applicant is fully entitled to a claim of such breadth in light of the numerous examples provided in the specification.

Simultaneously with the filing of this amendment, applicant submits an Information Disclosure Statement pertaining to certain prior art references, as well as three United States patents granted to the same inventor. Neither of the three cited patents are prior art to the present invention. None of these references

anticipate or render obvious the subject matter of the present claims.

In light of the foregoing, all outstanding claims of the above-identified application are in prima facia allowable condition, and their early allowance is respectfully solicited.

In the event the Examiner is of the opinion that a telephone conference with the undersigned attorney would materially facilitate the final disposition of this case, he is respectfully requested to telephone the undersigned attorney at the below listed telephone number.

Respectfully submitted,

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